

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

SHAWN BALL,

Plaintiff,

vs.

CHIEF MEDRED and C/O HORN

Defendants.

CV 19-00004-GF-BMM-JTJ

ORDER

Plaintiff Shawn Ball (“Ball”), a pro se prisoner proceeding without counsel, filed a Complaint (Doc. 2) alleging Defendants violated his rights under the Eighth Amendment.

Magistrate Judge John Johnston entered his Finding and Recommendations in this matter on May 31, 2019. (Doc. 11.) Judge Johnston determined that Ball had failed to state a federal claim for relief and that this action should be dismissed. *Id.* at 6. Ball did not object to Judge Johnston’s Findings and Recommendations.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.”

*United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 11.) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Callaway's action is **DISMISSED** for failure to state a federal claim.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaints lack arguable substance in law or fact.

DATED this 9th day of July, 2019.



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Brian Morris  
United States District Court Judge